

## EXCERPT FROM SEC. 118-46 (x)

- x. *Private streets.* The layout for new subdivisions with private streets may be approved at the time of Master Plan or plat approval. All private streets must be designated as a Lot or Lots on the subdivision plat and must be conveyed by the developer or owner to a homeowners' association or property owners' association. The subdivision plat shall provide a note that the street is a private street and shall be maintained by the homeowners' or property owners' association and that the City shall have no maintenance or repair responsibilities. The City may periodically inspect private streets and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare. The following are the requirements for subdivisions with private streets:
1. *Private Streets: Construction and Maintenance Cost.* The dimensional, but not structural, standards for private streets shall be designed by a licensed professional engineer, and do not have to meet the standards for public streets contained in this Chapter, if a waiver of such standards is approved by the Commission in accordance with this Chapter. The City shall not pay for any portion of the cost of constructing or maintaining a private street. A HOA or property owners' association is required to maintain private streets.
  2. *Private Streets: Restricted Access.* The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private and that they are not maintained nor regularly patrolled by the City. All restricted access entrances shall provide a reliable means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies. The method to be used to ensure City and emergency access into the subdivision shall be approved by the City's Fire Department and by any other applicable emergency service providers. If the association fails to maintain reliable access as required herein, the City may enter the private street subdivision and remove any gate or device that is a barrier to access at the sole expense of the HOA or property owners' association.
  3. *Private Streets: Waiver of Services.* Certain City services may not be provided for private street subdivisions. Among the services that may not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided as well.
  4. *Private Streets: Petition to Convert to Public Streets.* The HOA or property owners' association may petition the City Council to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. Such petition shall be submitted to the Planning Commission in accordance with the Commission's calendar for Master Plans and plats, who shall make a recommendation to the City Council. However, in no event shall the City be obligated to accept said private streets as public streets. Should the City elect to accept the private streets as public streets, the City has the right to inspect the private streets and to assess the lot owners for (i) the expense of improving the private streets to meet City standards for public streets and (ii) the expense of needed repairs, if any, prior to the City's acceptance of the streets. The City shall be the sole judge of whether improvements and/or repairs are needed. The City may also require, at the association's or the lot owners' expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities, appurtenances or objects, located within the street lot or within any other common area.